

FILED
DISTRICT COURT OF GUAM
APR 28 2006

MARY L.M. MORAN
CLERK OF COURT

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF GUAM

United States of America,) CRIMINAL CASE NO. 00-00140-001
Plaintiff,)
)
)
vs.) STIPULATION TO ASSESS
) UNSUPERVISED RELEASE STATUS
)
STEPHEN P. ROBERTO,)
Defendant.)
)

On May 27, 2004, Stephen P. Roberto was sentenced by the Honorable Dean R. Pregerson for Manufacture of Marijuana, in violation of 21 U.S.C. § 841(a)(1). He received a one month term of imprisonment, with credit for time served, followed by a four year term of supervised release with conditions that he: not commit another federal, state, or local crime; not unlawfully possess a controlled substance; refrain from any unlawful use of a controlled substance; shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter; not possess a firearm, ammunition, destructive device, or any other dangerous weapon; comply with the standard conditions of supervision; serve five months of home confinement; refrain from the use of any and all alcoholic beverages; participate in a program approved by the U.S. Probation Office for the treatment of narcotic addiction or drug or alcohol dependency which will include testing for the detection of substance use or abuse; maintain gainful employment; pay a \$100 special assessment fee; and pay a \$4,000 fine.

On May 27, 2004, Mr. Roberto began his term of supervised release. On June 10, 2004, conditions were modified to allow the defendant to enter into an agreement to act as an informer and/or special agent of the United States Immigration and Customs Enforcement and/or the Internal Revenue Service. On February 18, 2005, conditions were modified to include that the defendant be placed on unsupervised release from U.S. Probation and be authorized to travel between Guam and Los Angeles only under the direction of Immigration and Customs Enforcement Agent John Duenas or Robert Robertson or any other designated agent of Immigration and Customs Enforcement and while in Los Angeles, the defendant is to maintain contact with a designated agent of the U.S. Immigration and Customs Enforcement as directed by Agent's Duenas or Robertson and that the defendant will immediately return to Guam when so directed.

Request for a Summons and Hearing

Re: ROBERTO, Stephen P.
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Mr. Roberto has just over two years of supervised release remaining, with his term set to expire on May 26, 2008. This Officer respectfully informs the Court of the following: twenty two months have passed since Mr. Roberto was allowed by the Court to continue to cooperate with Immigration and Customs Enforcement and the Internal Revenue Service. In addition, 14 months have passed since the Court placed him on unsupervised release. Mr. Roberto has two unsatisfied special conditions, a five month term of home confinement, and drug treatment and testing requirement. The conditions remain unsatisfied due to the unsupervised status of his case.

Mr. Roberto is gainfully employed as a co-owner of the Purebred Shooto Gym. He paid his \$100 special assessment fee on May 27, 2004 and \$4,000 fine on June 9, 2004.

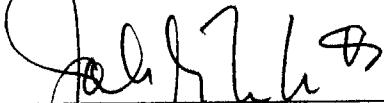
WHEREFORE, This Officer respectfully requests that the Court issue a Summons for Stephen P. Roberto to appear for a hearing to assess the need continue to be placed on unsupervised release, pursuant to 18 U.S.C. § 3583.

Executed this 25 day of April 2006, at Hagatna, Guam.

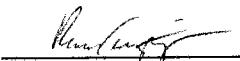
Respectfully submitted,

FRANK MICHAEL CRUZ
Chief U.S. Probation Officer

By:


JOHN W. SAN NICOLAS II
U.S. Probation Officer

Reviewed by:


ROSSANNA VILLAGOMEZ-AGUON
U.S. Probation Officer
Supervision Unit Leader

cc: Joseph F. Wilson, AUSA
Howard Trapp, Defense Counsel
File